

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

John R. Vallosio
Debtor(s)

Bankruptcy Case No.: 19-24887-CMB
Per September 24, 2020 Proceeding
Chapter: 13
Docket No.: 41 – 32, 33
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated June 22, 2020 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: IRS (Cl. #8) governs .
- ☒ H. Additional Terms: Gulf Harbour Investments Corp. (Cl. #10) surrendered with prior payments satisfied.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.


B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: September 30, 2020

cc: All Parties in Interest to be served by Clerk in seven (7) days

In re:
John R. Vallosio
Debtor(s)

Case No. 19-24887-CMB
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Sep 30, 2020

User: dric
Form ID: 149

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Total Noticed: 32

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 02, 2020:

Recip ID	Recipient Name and Address
db	+ John R. Vallosio, 2131 Forest Drive, Apollo, PA 15613-9021
15175757	+ Barclays Bank Delaware, P.o. Box 8803, Wilmington, DE 19899-8803
15175759	+ Barclays Bank Delaware, Attn: Correspondence, Po Box 8801, Wilmington, DE 19899-8801
15175765	+ Chase Auto Finance, P.o. Box 901003, Fort Worth, TX 76101-2003
15204703	+ Gulf Harbour Investments Corporation, c/o Specialized Loan Servicing LLC, 8742 Lucent Blvd, Suite 300, Highlands Ranch, Colorado 80129-2386
15175777	+ Mariner Finance, LLC, 8211 Town Center Dr, Nottingham, MD 21236-5904
15175778	+ Mariner Finance, LLC, Attn: Bankruptcy, 8211 Town Center Drive, Nottingham, MD 21236-5904
15198538	+ Midland Credit Management, Inc., PO Box 2037, Warren, MI 48090-2037
15175779	+ Midland Fund, 320 East Big Beaver, Troy, MI 48083-1238
15175780	+ Midland Fund, Attn: Bankruptcy, 350 Camino De La Reine Ste 100, San Diego, CA 92108-3007

TOTAL: 10

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Oct 01 2020 03:34:46	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15175763	+ Email/PDF: AIS.cocard.ebn@americaninfosource.com	Oct 01 2020 03:34:43	Capital One, Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
15175761	+ Email/PDF: AIS.cocard.ebn@americaninfosource.com	Oct 01 2020 03:31:28	Capital One, Po Box 30281, Salt Lake City, UT 84130-0281
15179699	Email/PDF: AIS.cocard.ebn@americaninfosource.com	Oct 01 2020 03:34:43	Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083, Charlotte, NC 28272-1083
15175766	+ Email/Text: bk.notifications@jpmchase.com	Oct 01 2020 03:15:00	Chase Auto Finance, Attn: Bankruptcy, Po Box 901076, Fort Worth, TX 76101-2076
15175767	+ Email/PDF: creditonebknotifications@resurgent.com	Oct 01 2020 03:34:45	Credit One Bank N.A., PO Box 98872, Las Vegas, NV 89193-8872
15175769	Email/Text: mrdiscen@discover.com	Oct 01 2020 03:15:00	Discover Financial, Attn: Bankruptcy Department, Po Box 15316, Wilmington, DE 19850
15175768	Email/Text: mrdiscen@discover.com	Oct 01 2020 03:15:00	Discover Financial, Pob 15316, Wilmington, DE 19850
15178974	Email/Text: mrdiscen@discover.com	Oct 01 2020 03:15:00	Discover Bank, Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
15175770	Email/Text: sbse.cio.bnc.mail@irs.gov	Oct 01 2020 03:15:00	Internal Revenue Service, PO Box 7346, Philadelphia, PA 19101-7346
15179705	Email/PDF: resurgentbknotifications@resurgent.com	Oct 01 2020 03:33:14	LVNV Funding, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
15175774	+ Email/PDF: resurgentbknotifications@resurgent.com	Oct 01 2020 03:31:34	LVNV Funding/Resurgent Capital, Attn: Bankruptcy, Po Box 10497, Greenville, SC

District/off: 0315-2

User: dric

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Date Rcvd: Sep 30, 2020

Form ID: 149

Total Noticed: 32

15175771	+ Email/PDF: resurgentbknofications@resurgent.com	Oct 01 2020 03:34:49	29603-0497 LVNV Funding/Resurgent Capital, C/o Resurgent Capital Services, 55 Beattie Pl #110, Greenville, SC 29601-5115
15180171	Email/PDF: cbp@onemainfinancial.com	Oct 01 2020 03:33:02	ONEMAIN, P.O. BOX 3251, EVANSVILLE, IN 47731-3251
15175782	+ Email/PDF: cbp@onemainfinancial.com	Oct 01 2020 03:31:22	OneMain Financial, Attn: Bankruptcy, Po Box 3251, Evansville, IN 47731-3251
15175781	+ Email/PDF: cbp@onemainfinancial.com	Oct 01 2020 03:31:22	OneMain Financial, Po Box 1010, Evansville, IN 47706-1010
15212491	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Oct 01 2020 03:33:11	Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
15207286	Email/Text: bnc-quantum@quantum3group.com	Oct 01 2020 03:15:00	Quantum3 Group LLC as agent for, Crown Asset Management LLC, PO Box 788, Kirkland, WA 98083-0788
15175783	+ Email/PDF: gecsed@recoverycorp.com	Oct 01 2020 03:33:02	SYNCB/American Eagle, PO Box 965005, Orlando, FL 32896-5005
15176450	+ Email/PDF: gecsed@recoverycorp.com	Oct 01 2020 03:34:39	Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15175784	+ Email/Text: ebankruptcy@woodforest.com	Oct 01 2020 03:17:00	Woodforest National Bank, 25231 Grogans Mill Road, The Woodlands, TX 77380-3103
15175785	+ Email/Text: ebankruptcy@woodforest.com	Oct 01 2020 03:17:00	Woodforest National Bank, PO Box 7889, The Woodlands, TX 77387-7889
TOTAL: 22			

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		Gulf Harbour Investments Corporation
15175760	*+	Barclays Bank Delaware, Attn: Correspondence, Po Box 8801, Wilmington, DE 19899-8801
15175758	*+	Barclays Bank Delaware, P.o. Box 8803, Wilmington, DE 19899-8803
15175764	*+	Capital One, Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
15175762	*+	Capital One, Po Box 30281, Salt Lake City, UT 84130-0281
15175775	*+	LVNV Funding/Resurgent Capital, Attn: Bankruptcy, Po Box 10497, Greenville, SC 29603-0497
15175776	*+	LVNV Funding/Resurgent Capital, Attn: Bankruptcy, Po Box 10497, Greenville, SC 29603-0497
15175772	*+	LVNV Funding/Resurgent Capital, C/o Resurgent Capital Services, 55 Beattie Pl #110, Greenville, SC 29601-5115
15175773	*+	LVNV Funding/Resurgent Capital, C/o Resurgent Capital Services, 55 Beattie Pl #110, Greenville, SC 29601-5115

TOTAL: 1 Undeliverable, 8 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 02, 2020

Signature: /s/Joseph Speetjens

District/off: 0315-2

User: dric

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Form ID: 149

Total Noticed: 32

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 30, 2020 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor Gulf Harbour Investments Corporation bnicholas@kmlawgroup.com
Kenneth Steidl	on behalf of Debtor John R. Vallosio julie.steidl@steidl-steinberg.com ken.steidl@steidl-steinberg.com;ifriend@steidl-steinberg.com;asteidl@steidl-steinberg.com;todd@steidl-steinberg.com;cgoga@steidl-steinberg.com;rlager@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com
Larry E. Wahlquist	on behalf of U.S. Trustee Office of the United States Trustee larry.e.wahlquist@usdoj.gov
Office of the United States Trustee	ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteedpa.com

TOTAL: 5